

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS – APAT – Interim orders of the Hon'ble APAT in O.A.No.4459/2011, Dated: 08-06-2011 filed by Sri G.Uday Bhaskar, and two other contract Lecturers – Request of contract lecturers working in Government Polytechnics for allowing the weightage of marks in selection procedure by the APPSC - Rejected orders – issued.

HIGHER EDUCATION (TE.I) DEPARTMENT

G.O.Rt.No. 46.

Dated: 21-01-2013.

Read the following:-

- 1.Interim orders of the Hon'ble APAT in O.A.No.4469/2011, Dt.08-06-2011 filed by Sri G.Uday Bhaskar and two other contract Lecturers.
- 2.From the CTE, Hyd., Lr.No.G1/4241/2009, Dated: 04-12-2011.
- 3.G.O.Ms.No.20, H.E (TE.I) Deptt., Dated: 19-04-2012.
- 4.G.O.Ms.No.32, H.E (TE.I) Deptt., Dated: 23-05-2012.

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ORDER:

Sri G.Uday Bhaskar who is working as Lecturer on contract basis and other two contract lecturers have filed O.A.No.4459/2011 before the Hon'ble APAT, Hyderabad with a prayer to direct the respondents to consider the cases of the applicants for regularization of their services by giving weightage for their service on contract basis while conducting regular selection for the posts of Lecturers in Government Polytechnics (Engineering and Non-Engineering) as notified in Notification No.21/2006 Supplementary Notification No.16/2008, 18/2008 and 47/2008 while extending weightage to other similarly placed Contract employee vide G.O.Ms.No.66, Social welfare (RS.I) Department, Dated: 25-08-2006.

2. The Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad in its interim order first read above have directed that:-

“pending disposal of the O.A, there shall be interim direction to the Respondents to consider the representation, dated: 23-05-2011 made by Polytechnic Contract Lecturers Association regarding extending weightage in favour of the Contract Lecturers working in Government Polytechnic keeping in view G.O.Ms.No.66, Social Welfare (RS.I) Department, Dated: 25-08-2006 and pass appropriate orders according to Rules before finalizing the selections to the post of Lecturers in Government Polytechnics.”

3. In the reference second read above, the Commissioner of Technical Education has stated that in response to the indents placed by CTE's office, the APPSC, Hyderabad has issued Notifications hereunder:-

Sl.No.	Notification No. and Date	Number of posts
1	Notification No.21/2006, dated:23-12-2006	118
2	Supplementary Notification No.16/2008 to Notification No.21/2006, Dated: 23-12-2006	118
3	Notification No.18/2008, Dated:08-12-2008	287
4	Notification No.47/2008, Dated: 31-12-2008	81

(P.T.O)

4. For the above notifications, written test and interviews were conducted by APPSC. In the G.O.3rd and 4th read above, Government have approved the list of (311 + 58) candidates selected by the Andhra Pradesh Public Service Commission for appointment to the posts of Lecturers in Engineering and Non-Engineering in Government Polytechnics.

5. The Commissioner of Technical Education has further stated that the Polytechnic All Contract Lecturers Association in their representation Dated: 23-05-2011 has requested to give weightage to Contract Lecturers in APPSC recruitment procedure since the Contract lecturers are attending the duties on par with regular teaching staff and requested to allow the weightage of marks in selection procedure by the APPSC, Hyderabad on par with the Contract Labour worked in Power Generations, AP, Gen Co. who have adopted service weightage procedure in selection. Further Government issued orders in G.O.Ms.No.66, Social Welfare (RS.I) Department, dated: 25-08-2009 that fresh selection should be conducted by giving due weightage to the service put in by the Contract Lecturers working in the APSWREIS by following the method of regularization in respect of 782 regular posts of Teaching staff vacant in the regular School and 943 posts of Teaching staff sanctioned in G.O.Ms.No.107, S.W (RS.I) Department, Dated: 20-10-1998, G.O.Ms.No.10, SW (RS.I) Department, Dated: 28-01-1999 and G.O.Ms.No.64, S.W (RS.I) Department, Dated: 06-07-2001 which are not in the purview of APPSC, Hyderabad. The Lecturer posts in Government Polytechnics in the Department of Technical Education, A.P., Hyderabad comes under the purview of Service Commission for selection and allotment. Keeping in view of the orders of the Hon'ble APAT, Hyderabad the CTE has requested the Government to examine the request of the Polytechnic All Contract Lecturers Association and issue necessary orders in the matter.

6. The Government have examined the entire matter carefully and observed that the Supreme Court of India has rejected the claim of legitimate expectation in the judgement in UPPSC X Girls Jayanthilal Vaghala (2006(2) SCC 482) observing that it is not permissible to grant weightage of marks or relaxation of upper age in favour of contract appointees since it violates article 16 of the Constitution of India. The Contract Lecturers cannot claim weightage of marks in view of the provisions of rule 9(b) of the A.P.State and Subordinate Service Rules, 1996. The Supreme Court has permitted ".... giving some weightage for their having been engaged in work in the Department for a significant period of timeor to do justice to them....". In exercise of its powers under Article 142 Government is of the view that this decree/ order issued by the Supreme Court under Article 142 is a specific relief granted in the circumstance of the case to those specific petitioners. It is not a question of law declared / determined by the Supreme Court and is not applicable as a precedent for grant of similar relief to others.

7. In view of the aforesaid and keeping in view the fact that the APPSC Notification for recruitment of Lecturers in Government Polytechnics has already been issued, written test has also been conducted and Government approved the list of (311 + 58) candidates selected by the Andhra Pradesh Public Service Commission for appointment to the posts of Lecturers in Engineering and Non-Engineering in Government Polytechnics, the Government have decided that it would not be permissible to grant weightage of marks to the contract Lecturers working in Government Polytechnics in the Department of Technical Education.

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8. Government therefore, hereby reject the representation dated: 23-05-2011 made by Contract Lecturers Associatin for giving weightage of marks while considering regular appointment to the posts of Lecturers in Government Polytechnics notified by the A.P.Public Service Commission.

9. The Commissioner of Technical Education, A.P., Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner of Technical Education, A.P., Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.
Copy to:
The G.P. for Higher Education (S), A.PHC/ APAT, Hyderabad.
SF/Sc

//Forwarded: :By order//

SECTION OFFICER

